

April 30, 2020

CCJBH 2019-2020 Legislative Report

The Legislature departed early for Spring recess in mid-March due to COVID-19. Some Legislators returned after recess, April 13, 2020 for special legislative hearings regarding COVID-19 budget items. All committee hearings are postponed until stay-in-place restrictions are lifted. At this time legislation is not moving forward. Most bills were either introduced or referred to committee at the time of the Legislatures departure for recess. Some bills were amended and re-referred to committee while others were pulled by the author to not proceed this session. (Please see list below of bill that will not proceed this session that CCJBH was monitoring)

Legislation and Budget Updates

The Governor released the proposed state budget on January 10, 2020. The May revise, which are the changes made to the Governor's proposed budget is expected to be released sometime in mid-May and the Legislature is required to pass a balanced budget by June 15, 2020.

Due to the COVID-19 pandemic and shifting of allocated funds, the Department of Finance states that although the Governor is required to enact a balanced budget, California can expect a baseline budget this year. Cuts to the adopted FY 20-21 budget may need to take place during the year, and deliberations regarding that may occur as early as August 2020 when session resumes from summer recess.

COVID-19 State Budget Updates

On March 4, 2020, the Governor declared a state of emergency to help the state prepare and respond to COVID-19. Since then, state departments have been engaged in numerous and various response activities and the Legislature appropriated up to \$1.1 billion General Fund to support these and local efforts. Below is a link to the summary of the allocated funds pertaining to COVID-19.

COVID-19 Allocations Summary

[http://www.dof.ca.gov/budget/COVID-19/documents/COVID-19 Appropriation-Allocation Tracking Summary-4-15-20.pdf](http://www.dof.ca.gov/budget/COVID-19/documents/COVID-19_Appropriation-Allocation_Tracking_Summary-4-15-20.pdf)

State Actions to Allocate Funding to COVID-19 Response. Both the Legislature and administration took actions in recent weeks to allocate additional funds to the state's response to COVID-19. These actions are:

- **SB 89 (Committee on Budget and Fiscal Review).** The Legislature passed SB 89 on March 16, 2020, allocating up to \$1 billion for COVID-19 response. Senate Bill 89 establishes a process that allows the administration to access and use these allocated funds. Under this process, the administration must notify the Joint Legislative Budget Committee (JLBC) 72 hours prior to the use of any funds. (The 72-hour requirement may be waived upon request and approval by the JLBC.)

- **SB 117 (Committee on Budget and Fiscal Review).** The Legislature also passed SB 117 on March 16, 2020. This legislation appropriated \$100 million in Proposition 98 (1988) funds to be used for purchasing personal protective equipment and sanitizing and cleaning school facilities. Subsequent guidance from the California Department of Education also allows school districts to use these funds more broadly to meet other needs, such as supporting distance learning.
- **DREOA.** Using authority established in Government Code 8690.6, the Governor transferred \$1.3 billion from the Special Fund for Economic Uncertainties to a subaccount within the fund—the Disaster Response Emergency Operations Account (DREOA). Monies transferred into DREOA are continuously appropriated for disaster response and recovery operation costs incurred by state agencies during a state of emergency.
- **Executive Order (EO) N-41-20.** In addition to the above actions, the Governor issued EO N-41-20 on April 1, 2020. Under the authority in Government Code Sections 8566, 8567, and 8645, the Governor indicated he could use emergency powers to transfer funds from other legally available state funds into DREOA in order to spend more on the COVID-19 response, as needed.

Bills CCJBH is monitoring during the 2019-2020 legislative session.

To view CCJBH's priority bill list, please click on the link <https://www.cdcr.ca.gov/ccjbh/wp-content/uploads/sites/172/2020/04/2019-2020-CCJBH-Priority-Bill-List-4.24.2020.pdf>

Bills that will not move forward this session that CCJBH was monitoring

AB 1950 (Kamlager) Probation: length of terms.

Introduced: 1/17/2020

Summary: Current law authorizes courts that have jurisdiction in misdemeanor cases to suspend the sentence and make and enforce terms of probation in those cases, for a period not to exceed 3 years, except when the period of the maximum sentence imposed by law exceeds 3 years, in which case the terms of probation may be imposed for a longer period than 3 years, but not to exceed the time for which the person may be imprisoned. This bill would instead restrict the period of probation for a misdemeanor to no longer than 2 years.

AB 2351 (Waldron) Drug courts: mental health and addiction services.

Introduced: 2/18/2020

Summary: Would, until January 1, 2025, clarify that a court may collaborate with outside organizations on a program to offer mental health and addiction treatment services, as defined, to women who are charged in a complaint that consists only of misdemeanor offenses or who are on probation for one or more misdemeanor offenses. The bill would exclude from these provisions a woman who is charged with a felony or who is under supervision for a felony conviction.

AB 2569 (Grayson) Crimes: juvenile victim confidentiality.

Introduced: 2/20/2020

Summary: Would exempt from disclosure the name and address of the victim of any crime who is less than 18 years of age. The bill would require a law enforcement officer receiving a report in which a minor is a victim to indicate on the report that the alleged victim is a minor and inform the person making the report that the minor's name and address will remain confidential. The bill would prohibit, except as otherwise specified, the disclosure of the minor's name and address.

AB 2917 (McCarty D) Department of Justice: law enforcement policies on the use of deadly force.

Introduced: 2/21/2020

Summary: Would require the Attorney General, commencing on July 1, 2023, to create a program within the Department of Justice to review the policies on the use of deadly force of any law enforcement agency, as specified, that requests a review, and to make recommendations.

AB 2339 (Muratsuchi D) Deferred entry of judgment.

Current Text: Amended: 3/11/2020

Introduced: 2/14/2020

Last Amend: 3/11/2020

Summary: Would require the Counties of Los Angeles, San Diego, and San Francisco to create a deferred entry of judgment program for defendants who are arrested for disorderly conduct, as specified, public nuisance, or trespassing, and who the court determines have a mental health or substance abuse disorder. The bill would require those counties to assign at least one mental health professional or social worker to collaborate with the court and the county jail to work with people arrested to address housing and services.

AB 2978 (Ting D) Department of Justice: arrest and conviction records: review.

Current Text: Introduced: 2/21/2020

Introduced: 2/21/2020

Summary: Current law, commencing January 1, 2021, and subject to an appropriation in the annual Budget Act, requires the Department of Justice, on a monthly basis, to review the records in the statewide criminal justice databases and to identify persons who are eligible for arrest record relief or automatic conviction record relief by having their arrest records, or their criminal conviction records, withheld from disclosure or modified, as specified. Under existing law, an arrest or conviction record is eligible for this relief if, among other criteria, the arrest or conviction occurred on or after January 1, 2021. This bill would instead require that an arrest or conviction have occurred on or after January 1, 1973, in order to be considered for relief.

AB 3025 (Irwin D) Veterans: probation: restorative relief.

Current Text: Amended: 3/12/2020

Introduced: 2/21/2020

Last Amend: 3/12/2020

Summary: Current law requires a criminal court to make a determination as to whether a defendant who was a member of the United States military may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of the person's service. Current law allows the court to consider these circumstances in granting probation, referring the defendant to mental health treatment, and granting restorative relief, as provided. This bill would additionally require the court to make a determination as to whether a defendant who was a member of the United States military may be suffering from severe depression as a result of the person's service for these purposes.

SB 1251 (Moorlach R) Conservatorships: serious mental illness and substance use disorders: counties.

Current Text: Introduced: 2/21/2020

Introduced: 2/21/2020

Summary: Current law, until January 1, 2024, establishes a procedure, for the County of Los Angeles, the County of San Diego, and the City and County of San Francisco, if the board of supervisors of the respective county or city and county authorizes the application of these provisions subject to specified

requirements, for the appointment of a conservator for a person who is incapable of caring for the person's own health and well-being due to a serious mental illness and substance use disorder, as specified, for the purpose of providing the least restrictive and most clinically appropriate alternative needed for the protection of the person. Current law prohibits a conservatorship from being established under these provisions if a conservatorship or guardianship exists under any of the other specified-described provisions. This bill would authorize any county or city and county to adopt these conservatorship provisions within their jurisdictions.